

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

MARK ROBSON,

PLAINTIFF

V.

CIVIL ACTION NO.

SHAW'S SUPERMARKETS, INC.,

DEFENDANT.

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, Defendant, SHAW'S SUPERMARKETS, INC., by and through its attorneys, JACKSON LEWIS P.C., hereby remove this action from the Superior Court of the State of Maine, Penobscot County, to the United States District Court for the District of Maine. In support of this Notice of Removal, Defendant states as follows:

1. By Complaint dated January 19, 2018 and filed on or about that date in the Penobscot County Superior Court, Plaintiff Mark Robson instituted a claim against "Shaw's Supermarkets, Inc.", alleging age discrimination, retaliation for complaints about age discrimination, disability discrimination, Family and Medical Leave Act Retaliation and whistleblower retaliation in violation of the Maine Human Rights Act ("MHRA"), Maine Family Medical Leave Requirements ("FMLR"), and Maine Whistleblowers' Protection Act ("MWPA"). A copy of the State Court Complaint is attached hereto as Exhibit 1. A copy of the State Court Summons and Defendants' Notice of Filing of Notice of Removal to State Court Clerk are attached hereto as Exhibits 2 through 3. Certified copies of the state court pleadings will be filed upon receipt of same from the Penobscot County Superior Court.

2. Pursuant to 28 U.S.C. §1446(a), this notice of removal is timely filed within thirty (30) days of January 24, 2018, the date on which service of process was made upon Defendant.

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court by Defendant because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

i. Plaintiff is now, and was when this action was commenced, a resident of the State of Maine.

ii. Defendant Shaw's Supermarkets, Inc. is a corporation duly organized under the laws of the State of Massachusetts with a principal place of business in Massachusetts, and was, at all times relevant, engaged in business activities in the State of Maine;

iii. A reasonable reading of Plaintiff's Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied. Although Plaintiff's Complaint neither alleges an amount in controversy nor sets forth a specific damages claim, it does allege that Plaintiff has suffered economic damages including lost wages, pre-judgment and post-judgment interest, and reasonable attorneys' fees and costs, as a result of Defendant's alleged actions.

4. This Court also has jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff is alleging violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e *et seq.*, 42 U.S.C. §1981a, 42 U.S.C. §12101 *et seq.* ("ADA"), 29 U.S.C. §§2601 *et seq.* ("FMLA"), as well as various other claims pursuant to state law including retaliation and other statutory violations.

5. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully Submitted,
SHAW'S SUPERMARKETS, INC.,
By its attorneys,
JACKSON LEWIS P.C.,

Date: February 9, 2018

By: /s/K. Joshua Scott
K. Joshua Scott, ME Bar No. 5282
JACKSON LEWIS P.C.
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Portsmouth, NH 03801
603.559.2700
kjoshua.scott@jacksonlewis.com

Certificate of Service

I hereby certify that the foregoing was served via first class mail postage prepaid on the following:

Penny Reckards, Clerk
Penobscot County Superior Court
78 Exchange Street
Bangor, ME 04401

William B. Devoe
EATON PEABODY
80 Exchange Street
PO Box 1210
Bangor, ME 04402-1210

Date: February 9, 2018

/s/K. Joshua Scott
K. Joshua Scott